

Handling Grievances

CPAC Brown Bag

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Avenues of Redress

Typical Employee Options

- Equal Employment Opportunity (EEO) Complaint
 - allegations of discrimination
- DoD Administrative Grievance System (AGS)
 - for non-bargaining unit employees to grieve working conditions, adverse actions, work relationships, application of personnel policies, etc.
- Negotiated Grievance Procedure
 - for bargaining unit employees to grieve issues specified in the negotiated agreement
- Merit Systems Protection Board (MSPB) Appeal
 - for non-bargaining and, in some cases, bargaining unit employees to appeal significant personnel actions such as RIF, adverse actions (over 14 days), etc.

Negotiated Grievance and Arbitration Procedure

- United States Code, Title 5, Chapter 71
- Fort Gordon Labor-Management Agreement, Article 35
- Available on Fort Gordon Web Site

Article 35, Section 1

- The purpose of this Article is to provide a mutually acceptable procedure to resolve grievances filed by employees or by either party to this Agreement.

Article 35, Section 2

- a. A grievance under this procedure means any complaint
- (1) By an employee concerning any matter relating to the employment of the employee;

Section 2.a. (cont.)

- (2) By any employee or the parties concerning
 - (a) The effect or interpretation, or a claim of breach, of this Agreement,
 - (b) Any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment.

Section 2.b.: Exclusions

- (1) Prohibited political activities
- (2) Retirement, life insurance, or health insurance
- (3) A suspension or removal for national security reasons (Section 7532)
- (4) Any examination, certification, or appointment

Exclusions (continued)

- (5) Classification not resulting in reduction in grade or pay of an employee
- (6) Nonselection for competitive promotion from a group of properly ranked and certified candidates
- (7) Suggestions, monetary, or honorary awards unless a specific provision of this Agreement has been violated

Exclusions (continued)

- (8) Separation or termination of a probationary employee
- (9) Any matter outside of the bargaining unit
- Equal Employment Opportunity complaints

Article 35, Section 5

- Employee may file without Union representation
- Union must be given the opportunity to be present during the grievance proceedings
- Copy of all written decisions to Union
- Union can object
- Article 35, Section 11

Article 35, Section 10

- STEP 1
- 15 workdays
- Orally or in writing
- By employee(s) and/or Union representative
- To employees immediate supervisor
- If oral grievance, must so inform supervisor
- May elevate one level

STEP 1 (continued)

- Meet within five workdays
- Oral decision within five workdays after conclusion of meeting(s)

STEP 2

- 15 workdays of receipt of Step 1 decision
- Grievance in writing to immediate supervisor
- Meeting within 10 workdays
- Written decision within 10 workdays

STEP 3

- 15 workdays after receipt of Step 2 decision
- Meeting within 15 workdays
- Commander or designated representative
- Written decision within 15 workdays

Section 12: Arbitration

- 20 workdays after receipt of Step 3 decision
- Only Union (or Agency) can invoke arbitration

Official Time

- For Grievant and Representative

To present grievance

- “Preparation”

“Reasonable Amount”

Advisory Role of MER

- Provide guidance to managers on their response options in grievances
- Advise managers on appropriate investigative methods
- Assist and advise on utilization of different conflict resolution methods
- Provide information to employees on the procedures and requirements of the AGS and appeals process
- Advise Deciding Official on relative merits of the case and procedural issues
- Whenever feasible, facilitate informal and early resolution with all parties

CPAC Advisors

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